

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MSC.SOFTWARE CORPORATION,

Plaintiff,

v.

ALTAIR ENGINEERING, INC.,
et al.,

Defendants.

Case No. 07-12807

HON. AVERN COHN

ORDER REGARDING RAJIV RAMPALLI AS A PARTY

This is a business dispute tried to a jury. The Court set aside the jury's \$26,100,000.00 verdict in favor of MSC and granted defendants a new trial on the issue of damages for breach of confidentiality/misappropriation of three (3) trade secrets (Doc. 829).

Before the Court is MSC's Motion to Retain Rajiv Rampalli as a Party to the Second Trial. (Doc. 990). MSC contends that it is necessary to have Rampalli as a party in the damages retrial because his conduct has been at the heart of the parties' dispute and he will be a witness at the retrial. Rampalli contends that it is not necessary for him to be a party in the retrial because (1) MSC has not attributed any damages to Rampalli as a result of his conduct,¹ (2) damages awarded in the retrial can be allocated according to the same ratio as in the first trial, as recommended by the Special Master, and (3) Altair has agreed to indemnify Rampalli.

¹Rampalli has filed a motion for summary judgment on the issue of damages (Doc. 996), contending that MSC's damages expert has not determined any damages attributable to Rampalli.

Having considered the matter, the appropriate course is to SEVER, not remove, Rampalli as a party to the retrial. Proceedings against Rampalli are BIFURCATED and STAYED. In light of this ruling, Rampalli's motion for summary judgment on the issue of damages is DENIED WITHOUT PREJUDICE.

SO ORDERED.



AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 1-4-2016
Detroit, Michigan